

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

FREDERICK W. BAUER,

Petitioner,

v.

U.S. ATTORNEY GENERAL,

Respondent.

NO. C10-1176-MJP-JPD

REPORT AND  
RECOMMENDATION RE:  
APPLICATION TO PROCEED IFP  
ON APPEAL

Petitioner Frederick W. Bauer's application to proceed *in forma pauperis* ("IFP") on appeal (Dkt. 19) was referred to the undersigned magistrate judge. The Court recommends **DENYING** the application to proceed IFP on appeal because petitioner has failed to show an inability to pay the appeal fee and because the appeal is not taken in good faith. *See* Fed. R. App. P. 24(a).

Petitioner is an experienced *pro se* litigator who has brought numerous habeas petitions to challenge his present incarceration and has been barred from filing prospectively before the United States Supreme Court due to his abusive litigation practices. *See, e.g., In re Bauer*, 528 U.S. 16, 16–17 (1999); *Bauer v. U.S. Atty. Gen. Agents*, 2006 WL 2947297 (3rd Cir. Oct. 16, 2006) (affirming Eastern District of Pennsylvania's dismissal of petitioner's § 2241 petition for lack of jurisdiction and discussing actions across the nation that were transferred to the District of Minnesota, where petitioner was at the time confined). The Court dismissed the present

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1 action without prejudice to refiling it elsewhere because the habeas petition has no connection  
2 whatsoever to the Western District of Washington. (Dkts. 6, 12.)

3 The Court finds that petitioner has failed to show an inability to pay the appeal fee.  
4 Petitioner attached a pretrial services report from the Western District of Wisconsin that  
5 suggested that he was a flight risk because he is a licensed pilot who has substantial assets and  
6 resources outside of the country. (Dkt. 19, at 3.) The Court also finds that petitioner is not  
7 appealing in good faith. Petitioner cannot show how his habeas petition is in any way  
8 connected to the Western District of Washington.

9 The Court recommends **DENYING** petitioner's application to proceed IFP on appeal  
10 because petitioner has failed to show an inability to pay the appeal fee and because this appeal  
11 is not taken in good faith. *See* Fed. R. App. P. 24(a).

12 DATED this 29th day of October, 2010.

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14 JAMES P. DONOHUE  
15 United States Magistrate Judge  
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